

Exhibit G - Deposition of Defendant Michael Tran

OFFICER MICHAEL TRAN

December 20, 2017

1 CERTIFICATE OF COURT REPORTER

2 STATE OF NEVADA)
3) ss:
4 COUNTY OF CLARK)

5 I, Kimberly A. Farkas, Certified Court
6 Reporter licensed by the State of Nevada, do
7 hereby certify that I reported the deposition of
8 Officer Michael Tran, commencing on December 20,
9 2017, at 9:57 a.m.

10 Prior to being deposed, the witness was duly
11 sworn by me to testify to the truth. I thereafter
12 transcribed my said stenographic notes, and that
13 the transcript is a complete, true, and accurate
14 transcription, and that a request was made for a
15 review of the transcript.

16 I further certify that I am not a relative,
17 employee, or independent contractor of counsel,
18 nor a person financially interested in the
19 proceeding.

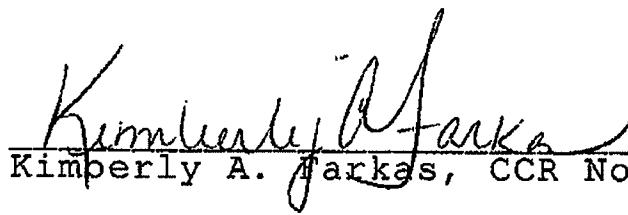
20 IN WITNESS WHEREOF, I have set my hand in my
21 office in the County of Clark, State of Nevada,
22 this January 8th, 2018.

23

24

25

26



Kimberly A. Farkas, CCR No. 741

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

ESTATE OF TASHI S. FARMER
a/k/a TASHII FARMER a/k/a
TASHII BROWN, by and through
its Special Administrator,
Elia Del Carmen
Solano-Patricio; TAMARA
BAYLEE KUUMEALI'MAKAMAE
FARMER DUARTE, a minor,
individually and as
Successor-in-Interest, by and
through her legal guardian,
Stevandra Lk Kuanoni; ELIAS
BAY KAIMIPONO DUARTE, a
minor, individually and as
Successor-in-Interest, by and
through his legal guardian,
Stevandra Lk Kuanoni,

Plaintiffs,

Case No. 2:17-CV-01946-
vs. JCM-PAL

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a political
subdivision of the State of
Nevada; OFFICER KENNETH
LOPERA, individually and in
his Official Capacity; and
Does 1 through 50, inclusive,

Defendants.

VIDEOTAPED DEPOSITION OF OFFICER MICHAEL TRAN

Las Vegas, Nevada

December 20, 2017

Reported by: Kimberly A. Farkas, RPR, CCR #741

Job: 23498

OFFICER MICHAEL TRAN

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1	Videotaped Deposition of Officer Michael	1 DEPOSITION OF OFFICER MICHAEL TRAN
2	Tran, taken at 330 E. Charleston Blvd. Suite 101,	2 December 20, 2017
3	Las Vegas, Nevada, on Wednesday, December 20, 2017,	3 Kimberly A. Farkas, CCR No. 741
4	at 9:57 a.m., before Kimberly A. Farkas, Certified	4 * * * * *
5	Court Reporter in and for the State of Nevada.	
6	APPEARANCES	5
7	For the Plaintiffs:	6 INDEX
8	FEDERICO C. SAYRE, ESQ.	7 Page
9	DARREN D. DARWISH, ESQ.	8 OFFICER MICHAEL TRAN
10	ABIR COHEN TREYZON SALO, LLP	9 Examination by Mr. Sayre
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14	ddarwish@actslaw.com	13
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16	CALLISTER LAW	15
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18	Las Vegas, Nevada 89104	17
19	(702) 333-3334	18
20	For the Defendant Las Vegas Metropolitan Police	19
21	Department:	20
22	CRAIG R. ANDERSON, ESQ.	21
23	Marquis Aurbach Coffing	22
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25	Las Vegas, Nevada 89145	24
	(702) 382-0711	25
	canderson@maclaw.com	
	\\\	
Page 3		Page 5
1	APPEARANCES (continued)	1 LAS VEGAS, NEVADA
2	For the Defendant Officer Kenneth Lopera:	2 Wednesday, December 20, 2017
3		3 9:57 a.m.
4		4 DEPOSITION OF OFFICER MICHAEL TRAN
5		5 * * * * *
6	DANIEL R. McNUTT, ESQ.	6 (The court reporter was relieved of her
7	MATTHEW C. WOLF, ESQ.	7 duties under NRCP 30(b)4.)
8	McNutt Law Firm, P.C.	8 THE VIDEOGRAPHER: Good morning. Here
9	625 South Eighth Street	9 begins media no. 1 of the deposition of
10	Las Vegas, Nevada 89101	10 Michael Tran in the matter of the Estate of
11	(702) 384-1117	11 Tashi S. Farmer, et al., versus Las Vegas
12	drm@mcnuttlawfirm.com	12 Metropolitan Police Department, et al. This case
13	Also present: Tom Burtney, Videographer	13 is in the United States District Court, District
14		14 of Nevada, and the case number is
15		15 2:17-cv-01946-JCM-PAL.
16		16 Today's date is December the 20th, 2017,
17		17 and the time is 9:57 a.m. This deposition is
18		18 taking place at 330 East Charleston Boulevard,
19		19 Suite 100, in Las Vegas, Nevada. The videographer
20		20 is Tom Burtney, appearing on behalf of First Legal
21		21 Deposition Services.
22		22 Would counsel please identify yourselves
23		23 and state whom you represent.
24		24 MR. SAYRE: For the plaintiffs,
25		25 Federico Sayre.

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1 MR. DARWISH: Darren Darwish on behalf 2 of plaintiffs. 3 MR. BISSON: Mitchell Bisson on behalf 4 of plaintiffs. 5 MR. McNUTT: Dan McNutt and Matt Wolf on 6 behalf of Officer Ken Lopera. 7 MR. ANDERSON: Craig Anderson on behalf 8 of Las Vegas Metropolitan Police Department. 9 THE VIDEOGRAPHER: The court reporter is 10 Kimberly Farkas. 11 Would the reporter please swear in the 12 witness. 13 OFFICER MICHAEL TRAN, 14 having been first duly sworn, was examined and 15 testified as follows: 16 EXAMINATION 17 BY MR. SAYRE: 18 Q. Officer Tran, my name is Fred Sayre, and 19 I'm representing the children and the Estate of 20 Tashi Farmer-Brown. 21 Do you understand that? 22 A. Yes. 23 Q. And you've been called here today to 24 give a deposition regarding the incident that 25 resulted in his death.	1 Do you understand that? 2 A. Yes. 3 Q. But if you do, that can be commented on. 4 Do you understand that? 5 A. Yes. 6 Q. So we ask you to give your best answer 7 here today. 8 Will you do that, please? 9 A. Yes. 10 Q. If you don't understand a question, 11 please don't answer it. Ask me to repeat it or 12 rephrase it or in some way indicate that you'd 13 like me to say it again. 14 Will you do that, please? 15 A. Yes. 16 Q. If you answer a question, I'm going to 17 assume you've understood it. 18 Is that fair enough? 19 A. Yes. 20 Q. Please wait until I finish my question 21 before you start your answer. And I'll give you 22 the same courtesy; I'll wait until you've finished 23 your answer before I start my next question. 24 Besides being courteous, it's very 25 difficult for the court reporter to take down two
Page 7	Page 9
1 Do you understand that? 2 A. Yes. 3 Q. Now, you are not a defendant in this 4 case. 5 Do you understand that? 6 A. Yes. 7 Q. You are here just as a witness. 8 You understand that? 9 A. Yes. 10 Q. All right. You've been sworn to tell 11 the truth. And although we're sitting here 12 somewhat informally in this conference room, do 13 you understand that oath is as binding on you here 14 as if we were in a courtroom of law? 15 A. Yes. 16 Q. Everything that is said here today will 17 be taken down by the court reporter. She'll later 18 have it typed up into a booklet form, and you'll 19 be given an opportunity to read and review it. 20 Do you understand that? 21 A. Yes. 22 Q. When you read and review it, you'll be 23 given an opportunity to make any changes or 24 corrections that you deem appropriate in what 25 you've said here today.	1 people who are speaking at the same time. 2 Do you understand that? 3 A. Yep. 4 Q. At any time during the deposition, if 5 you wish to take a break, just let me know, and 6 your request will be honored. The only thing I 7 would ask is if there's a question pending, will 8 you please answer the question before you take the 9 break? 10 A. Yes. 11 Q. If you -- during the course of the 12 deposition, I may ask you questions that have to 13 do with feet, inches, meters, centimeters, or some 14 other measure. I also may ask you questions 15 having to do with time or some other type of 16 distance. 17 All right. Now, you may or may not have 18 an exact answer to the question, but if you don't 19 have an exact answer, you may have an estimate. 20 If you have an estimate, I'm entitled to your best 21 estimate. 22 Do you understand that? 23 A. Yes. 24 Q. However, if it's just a guess, I'm not 25 entitled to a guess.

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<p style="text-align: right;">Page 10</p> <p>1 That's not always clear, what the 2 difference is between a guess and an estimate. 3 But if I asked you to estimate the length of the 4 table that we're sitting at, you can see the table 5 and you can give me a reasonable estimate based 6 upon your life experience with feet and inches or 7 meters and centimeters.</p> <p>8 However, if I asked you to estimate the 9 length of my dining room table in my home in 10 Irvine, California, you would have to be a pure 11 guess because you've never been there.</p> <p>12 Do you understand that?</p> <p>13 A. Yes.</p> <p>14 Q. All right. Are you under any kind of 15 medication that would prevent you from giving your 16 best testimony here today, either by recollection 17 or by articulation? Do you understand that?</p> <p>18 A. Yes. No, I'm not on any medication.</p> <p>19 Q. Okay. All right. All right. If at any 20 time you have a question regarding the 21 proceedings, please consult your attorney, and 22 then we can proceed forward. Okay?</p> <p>23 A. Um-hum.</p> <p>24 Q. All right. And that's -- thank you.</p> <p>25 You reminded me.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. What year did you graduate high school? 2 A. 2002. 3 Q. And what year did you get your college 4 degree from UNLV? 5 A. 2007. 6 Q. Did you go immediately into the police 7 department, or did you have another occupation 8 before that? 9 A. No, I did not. I went to -- I was a 10 personal trainer. 11 Q. Okay. And how long did you do that? 12 A. Until 2014-ish. Right before I joined 13 Metro. 14 Q. Okay. So do I understand from that 15 answer that you joined the Metropolitan Police 16 Department in 2014? 17 A. I joined in -- April 2015 was my 18 official date. 19 Q. All right. And did you go through an 20 academy? 21 A. Yes. 22 Q. And what -- where did you attend that 23 academy? 24 A. It was the Northwest Area Command in 25 Cheyenne and 215. I don't know the exact address.</p>
<p style="text-align: right;">Page 11</p> <p>1 You just did "uh-huh" or -- and nodded 2 your head.</p> <p>3 In a deposition, you need to speak out 4 loud. "Yes," "no," or whatever your articulated 5 answer is. Such common expressions as "uh-huh" 6 and "huh-uh" are not something that we want you to 7 do, because then I have to ask you questions like, 8 "Do you mean 'yes' or do you mean 'no'?"</p> <p>9 Similarly, with nods of the head or 10 shakes of the head, I can see it, I can interpret 11 it, but just to be sure, I would have to ask you, 12 "Do you mean 'yes' or do you mean 'no'?"</p> <p>13 Do you understand that?</p> <p>14 A. Yes.</p> <p>15 Q. So please avoid those kinds of 16 responses.</p> <p>17 Now, Officer Tran, what is your present 18 occupation?</p> <p>19 A. I'm a police officer with Las Vegas 20 Metro Police Department.</p> <p>21 Q. Okay. Could you give me the extent of 22 your formal education, beginning with high school.</p> <p>23 A. Graduated high school. I went to 24 college at UNLV and obtained a bachelor's degree 25 in kinesiology.</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. In Las Vegas? 2 A. Yes. 3 Q. Was it conducted by the Metropolitan 4 Police Department? 5 A. Yes. 6 Q. How long was that? 7 A. It was at least six months of academy 8 time, and then probably another six months of 9 field training time. 10 Q. When did you begin your field training? 11 A. I graduated October 22nd. I guess a 12 month after that. Because there's some classes we 13 had to take before field training started. 14 Q. October 22nd, 2015? 15 A. Yes. That was my official commission 16 date. 17 Q. Okay. And then you did your field 18 training after that? 19 A. Yes. 20 Q. All right. So that extended until what 21 time? 22 A. February 2016. 23 Q. Were you supervised by any particular 24 person in your field training? 25 A. I guess my field training officer, and</p>

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<p>1 then my direct sergeant of the squad.</p> <p>2 Q. Okay. What was his or her name? Field</p> <p>3 officer first. Field training officer.</p> <p>4 A. The first one? Because we had -- we had</p> <p>5 a bunch.</p> <p>6 Q. Okay. You didn't have one assigned</p> <p>7 field training officer?</p> <p>8 A. No. We had -- we cycled through field</p> <p>9 training officers every two, three weeks.</p> <p>10 Q. Okay. And how about your sergeant? Did</p> <p>11 you have more than one sergeant also?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. So in February of 2015, you were</p> <p>14 officially a police officer with the Las Vegas</p> <p>15 Police Department -- Metropolitan Police</p> <p>16 Department?</p> <p>17 A. I guess -- I guess however you see it.</p> <p>18 But the commission date, I was technically a</p> <p>19 Police Officer I. After field training, I'm</p> <p>20 just -- I passed the program, I guess, and can go</p> <p>21 out on my own.</p> <p>22 Q. Okay. What did your field training</p> <p>23 consist of?</p> <p>24 A. Day-to-day activities of police work.</p> <p>25 How to do reports. How to respond to calls.</p>	<p>1 A. Sergeant Obasi.</p> <p>2 Q. Spell it, please.</p> <p>3 A. B-A -- O-B-A-S-I.</p> <p>4 Q. O-B-A-S-I?</p> <p>5 A. Yes.</p> <p>6 Q. Is that a he or a she?</p> <p>7 A. It's a he.</p> <p>8 Q. And then when you went to this new</p> <p>9 squad, you said it's not as proactive?</p> <p>10 A. It's more of a proactive squad. You</p> <p>11 don't do calls for service.</p> <p>12 Q. That one was?</p> <p>13 A. Yes, correct.</p> <p>14 Q. What about this one?</p> <p>15 A. The one I'm currently on is a calls for</p> <p>16 service squad.</p> <p>17 Q. Okay. And who is your sergeant?</p> <p>18 A. Steinmetz, S-T-E-I-N-M-E-T-Z.</p> <p>19 Q. Is that sergeant?</p> <p>20 A. Yes.</p> <p>21 Q. He or she?</p> <p>22 A. He.</p> <p>23 Q. All right. So let me show you some</p> <p>24 exhibits. I'm going to give you one. Your</p> <p>25 counsel one.</p>
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<p>1 Safety.</p> <p>2 Q. When you completed your field training,</p> <p>3 what was your first assignment?</p> <p>4 A. I was stationed at Convention Center</p> <p>5 Area Command.</p> <p>6 Q. What did you do there?</p> <p>7 A. Police -- police work.</p> <p>8 Q. Okay. Well, can you be more specific?</p> <p>9 A. Respond to calls for service on the</p> <p>10 boulevard, at the casinos, disturbance calls.</p> <p>11 Q. And how long did you remain in that</p> <p>12 position?</p> <p>13 A. I'm still there currently.</p> <p>14 Q. So that is your ongoing responsibility</p> <p>15 at this point?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. That has not varied since you</p> <p>18 started?</p> <p>19 A. I was on a different squad, and I had a</p> <p>20 different motive, I guess. It was more of a</p> <p>21 proactive squad. We would be on the boulevard</p> <p>22 more and crush crime on the boulevard.</p> <p>23 Q. Did you have a supervisor at that time?</p> <p>24 A. Yes.</p> <p>25 Q. And what was his or her name?</p>	<p>1 MR. SAYRE: Sorry. I don't have any</p> <p>2 more. But for the record, it is the arrest report</p> <p>3 of the incident involving Officer Lopera and</p> <p>4 Tashi Farmer-Brown. I'm just using both names</p> <p>5 because at various times he's used one name or the</p> <p>6 other, and I just thought it would be easier to</p> <p>7 put it together.</p> <p>8 Q. All right. Now, have you seen this</p> <p>9 arrest report before?</p> <p>10 A. Yes, I have.</p> <p>11 Q. Have you read it thoroughly?</p> <p>12 A. Not thoroughly, no.</p> <p>13 Q. Okay. How many times have you read it?</p> <p>14 A. Just once.</p> <p>15 Q. When was that?</p> <p>16 A. Whenever the -- whenever the incident</p> <p>17 happened. It was on Fox 5 news, and they had a</p> <p>18 copy of it, and I just skimmed through it.</p> <p>19 Q. So it was close in time to the incident</p> <p>20 itself?</p> <p>21 A. Correct.</p> <p>22 Q. Have you -- you haven't -- have you read</p> <p>23 it recently in preparation for your deposition?</p> <p>24 A. No, I didn't have a copy of it.</p> <p>25 Q. Okay. Have you read any documents in</p>

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1 preparation for your deposition?		1 Q. Okay. All right. It says this incident	
2 A. No.		2 occurred on May 14th, 2017, at 1:16 hours, which	
3 Q. Okay. You seemed to hesitate about		3 would be 1:16 a.m.; correct?	
4 that.		4 A. Yes.	
5 A. Well, I don't know what -- I have my		5 Q. All right. And does that square with	
6 CIRT review document, but that's from the		6 your recollection of when this occurred?	
7 department.		7 A. Yes.	
8 Q. CIRT review?		8 Q. And what was your post at the time?	
9 A. CIRT review, correct.		9 A. I was -- me and my -- partner and I were	
10 Q. Could you tell me what that -- the full		10 supposed to be at The LINQ Hotel.	
11 name for that is?		11 Q. Okay. And who was your partner that	
12 A. Critical Incident Review Team.		12 night?	
13 Q. And is that a document that talks about		13 A. Officer Flores.	
14 the incident or talks about you or both?		14 Q. First name?	
15 A. It's -- it's a document that has my		15 A. Michael.	
16 recorded statements to them when I had my		16 Q. Was he a regular partner of yours at	
17 interview.		17 that time?	
18 Q. Is that the only thing that you reviewed		18 A. Yes.	
19 in the CIRT review, was your own statement?		19 Q. Were you -- were you with the squad that	
20 A. Yes.		20 was proactive or the one that --	
21 MR. SAYRE: Okay. Has that been		21 A. The proactive squad.	
22 produced to us?		22 Q. The proactive squad. Okay.	
23 MR. ANDERSON: No, it hasn't. It's a		23 What time did you go to work, I guess,	
24 part of the CIRT file, so it's a copy of his		24 that morning or the morning before?	
25 statement that he gave to the Critical Incident		25 A. Our start time was --	
	Page 19		Page 21
1 Review Team.		1 Q. Sorry. The night before. Excuse me.	
2 MR. SAYRE: Okay. Is that -- are you		2 A. Our start time was 20:00, so 8:00 p.m.	
3 taking privilege on that?		3 Q. And how long a shift were you supposed	
4 MR. ANDERSON: Yeah.		4 to work?	
5 MR. SAYRE: Okay.		5 A. 10 hours. So we were -- would be off	
6 MR. ANDERSON: Until after it becomes		6 6:00 a.m.	
7 public in the criminal matter.		7 Q. Okay. And at 8:00 p.m., did you -- at	
8 MR. SAYRE: Okay. All right. So we'll		8 the start of your shift, was there a roll call?	
9 get it at that time?		9 A. Yeah, I suppose. It's not like they	
10 MR. ANDERSON: Yeah.		10 call everybody's name, but the sergeant goes	
11 MR. SAYRE: I would just state that it		11 through and assigns partners and call signs.	
12 is my intention to complete Officer Tran's		12 Q. Okay. All right. So it's a brief roll	
13 deposition today; however, if I see something when		13 call, but it's basically -- it's conducted, I	
14 it becomes available, I reserve it the right to		14 assume --	
15 redepose him as to that additional material.		15 A. Yes, we have a briefing.	
16 MR. ANDERSON: Understood.		16 Q. Okay. It's conducted at the station?	
17 BY MR. SAYRE:		17 A. During shift. It's conducted per squad,	
18 Q. All right. So just take a look at		18 per shift.	
19 this -- let me draw your attention to -- there's		19 Q. Okay. Where was this roll call, I'll	
20 five zeros and a 5 at the bottom of the page.		20 call it, conducted?	
21 It's a Bates stamp.		21 A. At Convention Center Area Command.	
22 Do you see that?		22 Q. Okay. So at the location?	
23 A. Yes.		23 A. Correct.	
24 Q. It says "Arrest Report" on top?		24 Q. Is there a police office there? You	
25 A. Yes.		25 said "Convention Center Area Command."	

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1 A. Correct. That's our police station.		1 Q. Did he give you any particular	
2 Q. Okay. So there is a station, then?		2 instructions -- that is, you and your partner --	
3 A. Yes.		3 or was it a general --	
4 Q. Okay. And that's where it was		4 A. It's a general, general briefing.	
5 conducted?		5 Q. All right. So you drove to The LINQ,	
6 A. Yes.		6 and -- yeah, there's a briefcase under there.	
7 Q. And then from there, you and Officer		7 Don't worry about it. It's okay.	
8 Flores assumed your position at The LINQ Hotel?		8 You drove to The LINQ, and you parked	
9 A. Our post didn't start until midnight.		9 your vehicle in The LINQ parking lot?	
10 So after briefing, we go get food and do a couple		10 A. In the LINQ parking garage.	
11 proactive stops.		11 Q. Parking garage. And then you heard a	
12 Q. Okay. So at midnight, you took your		12 call?	
13 post at The LINQ Hotel?		13 A. Correct.	
14 A. Correct.		14 Q. Over the police radio?	
15 Q. Okay. Now, when were you first made		15 A. Correct.	
16 aware of this incident, approximately?		16 Q. About what time was this?	
17 A. I remember after the briefing -- we have		17 A. I don't -- I don't recall. It had to	
18 a midnight briefing for Safe Strip. After the		18 have been around midnight-thirty, 1:00. Because,	
19 briefing, we were en route to The LINQ. Right		19 like I said, we had briefing at midnight, and then	
20 after we parked the car at The LINQ garage, I		20 for the time to drive to The LINQ and park.	
21 heard somebody on the radio ask for a code red		21 Q. How long, estimate?	
22 Venetian 1.		22 A. It was probably around 1:00 a.m.	
23 Q. Okay. Let me just make sure I		23 Q. Okay. And you said you heard a code	
24 understand.		24 red. What did that mean?	
25 Midnight briefing for Safe Strip, what		25 A. A code red is what we say on the air if	
	Page 23		Page 25
1 does that mean?		1 we have an emergency.	
2 A. It's a -- the casinos pay for an		2 Q. Did you receive any other information	
3 overtime officers to be on post at every casino on		3 from that call other than there was a code red?	
4 the Strip, and they just named it Safe Strip. We		4 A. I did not.	
5 were supplementing the other half. So half of it		5 Q. What did you do to determine where the	
6 was overtime officers, and our squad was the other		6 code red was supposed to be taking -- taking	
7 half. So we would supplement Safe Strip.		7 place?	
8 So we would be at a post on -- at The		8 A. I recall hearing the call sign "Venetian	
9 LINQ that we were assigned. At midnight, we had a		9 1." For Safe Strip, the property we're assigned	
10 short briefing just to go over where everyone was		10 to, we take the name of the property. I was "LINQ	
11 supposed to be, what to do, things like that. So		11 1," and I heard "Venetian 1, give me a red." So I	
12 that was -- that's our Safe Strip.		12 just knew that it was at the Venetian, but I	
13 Q. Who conducted that briefing? Do you		13 didn't know a specific location.	
14 recall?		14 Q. Sure. And how far was the Venetian from	
15 A. I can't recall.		15 where you were located when you heard the call?	
16 Q. Okay. Is it usually a sergeant?		16 A. It was just one property north of us.	
17 A. Usually a lieutenant.		17 Q. Okay. So close by?	
18 Q. Okay. Do you remember the name of the		18 A. Very close.	
19 lieutenant that would have been your lieutenant		19 Q. Did you know who Venetian 1 was?	
20 that night?		20 A. I did not.	
21 A. I don't recall who it was that night,		21 Q. Okay. How long did it take you to	
22 but if it would have been a lieutenant, it would		22 respond to that location?	
23 have been Summers.		23 A. My estimate would be a minute.	
24 Q. Summers, S-U-M-M-E-R-S?		24 Q. And was Officer Flores with you?	
25 A. Yes.		25 A. Yes.	

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1 Q. Did you locate Venetian 1 when you		1 Q. Okay. What was the other officer doing	
2 responded?		2 when you first saw -- saw that officer?	
3 A. Yes.		3 A. I know -- all I observed was the officer	
4 Q. And did you recognize who Venetian 1		4 laying on the floor or on the ground with the	
5 was?		5 unknown male or subject.	
6 A. I did not, not at the time.		6 Q. When you say "laying on the ground," was	
7 Q. All right. What did you see when you		7 the officer to the side of the subject or on top	
8 came upon the scene?		8 of the subject, or just how was his attitude?	
9 A. As I pulled my vehicle towards the rear		9 A. I would guess, from my recollection, the	
10 of the Venetian, I observed another patrol		10 subject was on his side, and the officer was	
11 vehicle, a Crown Vic, to my left. I parked on the		11 directly behind the subject, on the -- their left	
12 right side of it. As I exited the vehicle, I'm		12 side.	
13 running towards -- running forward, towards the		13 Q. All right. Your answer was just fine,	
14 front of the Crown Vic. I observe two officers on		14 except you used the word "guess." And I assume	
15 the ground with a suspect or unknown person. And		15 this was your best observation at the time?	
16 they're up against a concrete barrier.		16 A. From what -- from what I recall, based	
17 Q. Did you recognize the two officers?		17 on that --	
18 A. I recognized one officer that was on the		18 Q. The word "guess" is a dirty word, so	
19 unknown subject's feet, feet area, but I did		19 that was all.	
20 not -- I could not see the other officer.		20 I assume that was your best observation	
21 Q. The officer that you recognized, what --		21 at the time?	
22 what is his or her identity?		22 A. Yes.	
23 A. It was Sergeant Crumrine.		23 Q. All right. And did the officer have	
24 Q. Did you know Sergeant Crumrine from		24 ahold of the subject person, the one who was	
25 previous situations?		25 also -- I guess it was to the rear or behind the	
	Page 27		Page 29
1 A. Yes.		1 subject?	
2 Q. And how was that?		2 A. Yes.	
3 A. He's -- I guess he's, like, our sister		3 Q. Did he have ahold of him at the time	
4 squad. They work our days off. And we overlap on		4 when you first saw him?	
5 Saturdays with them, so I knew who he was.		5 A. Yes, he was holding him.	
6 Q. So you had worked with him at least on a		6 Q. Where was he holding him?	
7 Saturday at some point?		7 A. I don't recall.	
8 A. Correct.		8 Q. Okay. What did you do after you first	
9 Q. Okay. And what was Officer Crumrine		9 saw this scene?	
10 doing? What did you observe?		10 A. My first reaction was to attempt to take	
11 A. I didn't -- I didn't observe -- I wasn't		11 the subject into custody. My partner and I began	
12 focused on what he was doing. I know he was at		12 to grab ahold of arms, his hands, to try to	
13 his feet, at the unknown subject's feet.		13 handcuff the subject. That was my main focus, was	
14 Q. So I take it this occurred inside the		14 just trying to take him into custody.	
15 parking garage of the Venetian?		15 Q. All right. Now, the subject was on his	
16 A. Not quite the parking garage. It wasn't		16 side.	
17 the parking garage. It was -- I guess it's the		17 Where were his arms?	
18 back of the house of the Venetian, where the		18 A. I recall the -- his left arm was wedged	
19 recycling and all the semi-trucks go through.		19 between the officer and the subject's own back.	
20 Q. All right. And you saw another		20 His right arm was, I guess, free, was not being	
21 officer --		21 held.	
22 A. Correct.		22 Q. Could you tell whether the officer had	
23 Q. -- correct?		23 ahold of his left arm where it was located behind	
24 What was he -- was it a he?		24 the subject's back? Do you understand what I'm	
25 A. At the time I did not know who it was.		25 saying?	

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1	A. Can you clarify?	1	subject's arms together?
2	Q. Sure.	2	A. Yes.
3	One of the things that an officer will	3	Q. All right. And were they handcuffed
4	do in trying to handcuff a person is to pull their	4	behind his back?
5	arm behind their back; correct?	5	A. Yes.
6	A. Correct.	6	Q. All right. And did you do the
7	Q. Did it appear to you that the officer	7	handcuffing?
8	had pulled his arm behind his back, the subject's	8	A. Yes.
9	back?	9	Q. All right. With your handcuffs, I
10	A. Did it appear to me that it was? Yes.	10	assume?
11	Q. Okay. And the right hand was free?	11	A. It was Officer Flores's handcuffs.
12	A. Yes.	12	Q. Officer Flores. Okay.
13	Q. Did it appear to you that the officer	13	He handed them to you and you -- you
14	had ahold of the left arm of the subject?	14	handcuffed him?
15	A. No.	15	A. It was more of a joint, mutual.
16	Q. Okay. So the left arm was behind his	16	Q. Okay. And that's when you say you had
17	back, but not being held by the officer?	17	taken him into custody?
18	A. No.	18	A. Yes.
19	Q. Okay. When you determined -- at some	19	Q. All right. And what does that mean to
20	point did you determine that the officer had his	20	you?
21	hands on some part of the subject's body?	21	A. That the subject's handcuffed, and we do
22	A. At what point?	22	a cursory pat down, make sure he has no weapons
23	Q. At some point.	23	and the scene is safe.
24	A. Yes.	24	Q. Right. Does it mean that subject is
25	Q. Okay. And when was that?	25	under control?
	Page 31		Page 33
1	A. From my recollection, after we took the	1	A. Yes.
2	subject into custody and when I looked down at the	2	Q. All right. Had -- when you saw the
3	subject is when I observed an elbow around the	3	elbow, where was it located relative to the
4	subject's neck.	4	subject? I assume -- pardon me for -- I shouldn't
5	Q. Okay. Now, when you say when you took	5	do this.
6	the subject into custody, does that mean you	6	The elbow was the officer's elbow? Is
7	handcuffed the subject?	7	that what you determined?
8	A. Yes.	8	A. Yes.
9	Q. All right. So did you grab hold of the	9	Q. Okay. Where was the elbow located when
10	subject's left arm?	10	you first saw it or first notified it?
11	A. We -- my partner and I, yes, we did. We	11	A. Directly until front of the subject's
12	were trying to put a -- handcuff his hands	12	throat.
13	together.	13	Q. All right. Now, had you done a pat down
14	Q. Okay. How did that work? Did you grab	14	of the subject yet when you saw the elbow located
15	one arm and your partner grabbed the other, or	15	in front of the throat of the --
16	how -- how did it go?	16	A. I had not.
17	A. I can't recall.	17	Q. Okay. What you had done is you had
18	Q. Okay. Did -- did each of you share in	18	controlled him by placing handcuffs on him;
19	the handcuffing of this subject?	19	correct?
20	A. Yes.	20	A. Right.
21	Q. All right. So is it fair to say one of	21	Q. And was the subject struggling?
22	you probably grabbed one arm and the other	22	A. I do not recall the subject struggling.
23	probably grabbed the other?	23	Q. Okay. Meaning, he wasn't struggling?
24	A. I can't recall.	24	A. He was not.
25	Q. Okay. Do you remember handcuffing the	25	Q. Did the subject struggle when you put

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<p>1 handcuffs on him?</p> <p>2 A. No, he did not.</p> <p>3 Q. Okay. Take a look, please, at the --</p> <p>4 I'm going to ask you to take a look at page five</p> <p>5 zeros and a 7. Just -- it's one over. It has a</p> <p>6 series of times.</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And then there's statements that</p> <p>10 have been attributed to that particular period of</p> <p>11 time.</p> <p>12 You follow that?</p> <p>13 A. Yes.</p> <p>14 Q. All right. Now, by the way, these --</p> <p>15 this report appears to have been prepared by</p> <p>16 either Officer Alsup or Officer Kolon or both.</p> <p>17 Do you see that in the front?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Do you know either one of those</p> <p>20 officers?</p> <p>21 A. I do not.</p> <p>22 Q. All right. Now, have you seen a video,</p> <p>23 on YouTube or otherwise, of the events in question</p> <p>24 that evening, one that purports to be a video of</p> <p>25 Officer Lopera's body camera?</p>	<p>1 fucking hands behind your back?"?</p> <p>2 You see that reference?</p> <p>3 A. Yes.</p> <p>4 Q. Did you hear Officer Crumrine say that?</p> <p>5 A. I did not.</p> <p>6 Q. Okay. At 3:13, "Officer Lopera asks,</p> <p>7 'Is he out yet?'"</p> <p>8 Did you hear that?</p> <p>9 A. No.</p> <p>10 Q. At 3:15, "Farmer gasps."</p> <p>11 Did you hear the subject gasp?</p> <p>12 A. No.</p> <p>13 Q. At 3:18, "Officer Lopera asked, 'Is he</p> <p>14 out yet?'"</p> <p>15 Did you hear that?</p> <p>16 A. No.</p> <p>17 Q. At 3:19, "Officer Lopera asks, 'Is he</p> <p>18 out yet?'"</p> <p>19 Did you hear that?</p> <p>20 A. No.</p> <p>21 Q. Besides Officer Crumrine, who else, if</p> <p>22 anybody, was close to the subject and Officer</p> <p>23 Lopera? I assume eventually you identified the</p> <p>24 person that belonged to the elbow as Officer</p> <p>25 Lopera?</p>
<p>1 A. Yes.</p> <p>2 Q. Okay. Have you seen a video of the</p> <p>3 events that evening that purports to be footage</p> <p>4 from the security cameras at the Venetian?</p> <p>5 A. Yes.</p> <p>6 Q. Have you seen the two sync'd together?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Now, take a look at page 000009.</p> <p>9 And there's a reference to 2:58. That's two</p> <p>10 minutes and 58 seconds from the time that the body</p> <p>11 camera was turned on.</p> <p>12 You have the reference, sir?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And it says that Officer Lopera</p> <p>15 appeared to put Farmer in some type of neck</p> <p>16 restraint. Okay.</p> <p>17 Now, when you saw the elbow located to</p> <p>18 the front of the subject, did you recognize that</p> <p>19 restraint as a lateral vascular neck restraint?</p> <p>20 A. Yes.</p> <p>21 Q. You had been trained in the use of a</p> <p>22 lateral vascular neck restraint?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Now, do you see the reference at</p> <p>25 3:01, to Sergeant Crumrine stating, "Put your</p>	<p>1 A. Eventually, yes.</p> <p>2 Q. Who else besides Officer Crumrine was</p> <p>3 close to Officer Lopera and the subject?</p> <p>4 A. Nobody.</p> <p>5 Q. It says, at 3:25, "Officer Tran arrived</p> <p>6 and said, 'Let him go, Ken.'"</p> <p>7 Do you remember saying that?</p> <p>8 A. No, I did not say that.</p> <p>9 Q. You did not say that?</p> <p>10 A. I did not say that.</p> <p>11 Q. Okay. And then at 3:26, the person</p> <p>12 who's listening to the tape says, "Officer Lopera</p> <p>13 asked, 'Are you sure?'"</p> <p>14 "And Officer Tran replies, 'Yeah.'"</p> <p>15 Did you say that?</p> <p>16 A. I did not.</p> <p>17 Q. Okay. Did you say -- do you remember</p> <p>18 Officer Lopera saying, "Are you sure?"</p> <p>19 A. I do not.</p> <p>20 Q. Okay. When you saw the person, the</p> <p>21 subject, and the elbow was in front of him, was he</p> <p>22 conscious?</p> <p>23 A. He was not.</p> <p>24 Q. Okay. Did you say anything to</p> <p>25 Officer Lopera at any time while he continued to</p>

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<p>1 maintain the lateral vascular neck restraint?</p> <p>2 A. After we took him into custody, I peered</p> <p>3 down at the subject, and observed that he was out</p> <p>4 and there was an elbow. And I stated to</p> <p>5 Officer Lopera, "Loosen up. Loosen up. He is</p> <p>6 out." And Officer Lopera released the hold on the</p> <p>7 subject.</p> <p>8 Q. Are you saying that at the moment that</p> <p>9 you said -- well, I'm saying "moment," but upon</p> <p>10 your saying "Loosen up. Loosen up. He is out,"</p> <p>11 Officer Lopera released the subject?</p> <p>12 A. Yes.</p> <p>13 Q. How long after you said that did he</p> <p>14 release the subject?</p> <p>15 A. Immediately.</p> <p>16 Q. Okay. Now, how long did the -- from the</p> <p>17 time that you saw the subject for the first</p> <p>18 time -- strike that.</p> <p>19 From the time that you saw the elbow in</p> <p>20 front of the subject for the first time,</p> <p>21 approximately what period of time passed before</p> <p>22 you said, "Loosen up. Loosen up. He is out"?</p> <p>23 A. It was immediate.</p> <p>24 Q. Immediate.</p> <p>25 Now, when you've listened to the tape,</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. So it says here that Lopera</p> <p>3 released the hold on Farmer at 4 minutes and 11</p> <p>4 seconds.</p> <p>5 You see that?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. How long did you observe the hold</p> <p>8 being applied to Mr. Farmer until it was loosened</p> <p>9 up?</p> <p>10 A. From the time I observed the elbow, I</p> <p>11 immediately stated to Lopera to loosen up, and</p> <p>12 Lopera immediately released the hold.</p> <p>13 Q. Okay. What period of time transpired</p> <p>14 from the time where you saw the elbow until Lopera</p> <p>15 released the person?</p> <p>16 A. Three to five seconds. Three seconds.</p> <p>17 Q. When you heard the tape, did -- at any</p> <p>18 time did you hear Officer Lopera say, "Is he out</p> <p>19 yet," as this person who has transcribed this says</p> <p>20 he asks three times? Did you ever hear him say,</p> <p>21 "Is he out yet"?</p> <p>22 A. No.</p> <p>23 Q. The time -- the way this tape reads,</p> <p>24 that the hold was placed at 2 minutes and 58</p> <p>25 seconds until 4 minutes and 11 seconds. That's a</p>
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<p>1 have you heard yourself saying, "Let him go, Ken"?</p> <p>2 A. No, I did not say that.</p> <p>3 Q. Okay. So that's -- this person is</p> <p>4 incorrect when he says that you said, at three</p> <p>5 minutes and 25 seconds into the tape, "Let him go,</p> <p>6 Ken"?</p> <p>7 A. Yes. That's incorrect.</p> <p>8 Q. Okay. And then when he reportedly says,</p> <p>9 "Officer Lopera asks, 'Are you sure,'" and you</p> <p>10 replied, "Yeah," you're saying that would be -- he</p> <p>11 would be incorrect in that?</p> <p>12 A. That's incorrect.</p> <p>13 Q. Okay. So when you saw him in the --</p> <p>14 when you saw that there was an elbow around him,</p> <p>15 around his -- what, it was in front of the throat?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Are you saying that you</p> <p>18 immediately told him, Officer Lopera, "To loosen</p> <p>19 up. Loosen up"?</p> <p>20 A. Yes, as soon as I observed the elbow and</p> <p>21 the subject was not responsive, he looked</p> <p>22 unconscious, I stated to Lopera to let him go --</p> <p>23 to loosen up.</p> <p>24 Q. Okay. And Lopera immediately loosened</p> <p>25 up?</p>	<p>1 period of 113 seconds, or, sorry, one minute, 13</p> <p>2 seconds.</p> <p>3 You're saying that you saw him in the</p> <p>4 hold for three to five seconds?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And when you saw him, he was</p> <p>7 unconscious?</p> <p>8 A. Yes.</p> <p>9 Q. How long did it take you to handcuff</p> <p>10 him?</p> <p>11 A. 20, 30 seconds.</p> <p>12 Q. And there was absolutely no resistance</p> <p>13 from him?</p> <p>14 A. I did not observe any resistance.</p> <p>15 Q. Did you observe, during that 20 to 30</p> <p>16 seconds, that he was unconscious?</p> <p>17 A. I did not.</p> <p>18 Q. Did you observe that he was conscious</p> <p>19 during that 20 to 30 seconds?</p> <p>20 A. I did not.</p> <p>21 Q. Did you check to see whether he was</p> <p>22 conscious or not during that 20 to 30 seconds?</p> <p>23 A. No.</p> <p>24 Q. Have you and Officer Flores spoken about</p> <p>25 this since it occurred other than in the presence</p>

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<p>1 of your attorney? Do you understand what I'm 2 saying? In other words, if you had a conversation 3 in front of your attorney X, I'm not permitted to 4 know. But have you and Officer Flores, your 5 partner, had a conversation about this at any time 6 since this occurred?</p> <p>7 A. Yes.</p> <p>8 Q. All right. And what did you talk about?</p> <p>9 A. We talked about the incident.</p> <p>10 Q. Well, I understand that, but what did 11 you say?</p> <p>12 A. I don't recall.</p> <p>13 Q. You recall nothing about what you said?</p> <p>14 A. We spoke about each other's perspective 15 on the incident and what we both observed.</p> <p>16 Q. And what did you tell him?</p> <p>17 A. I don't recall.</p> <p>18 Q. No recollection at all? Nothing at all?</p> <p>19 A. I -- pretty much everything I've told 20 you.</p> <p>21 Q. And what did he tell you?</p> <p>22 A. The same thing.</p> <p>23 Q. What do you mean, "the same thing"?</p> <p>24 A. I don't know -- I can't remember. I 25 don't -- we're not partners anymore. We haven't</p>	<p>1 A. Yes.</p> <p>2 Q. And did he say whether he had seen the 3 hold being applied to -- on Mr. Farmer before you 4 saw the hold being applied?</p> <p>5 A. No.</p> <p>6 Q. Did he say the first time he saw the 7 hold being applied was when you said loosen it up?</p> <p>8 A. Yes.</p> <p>9 Q. Did you know Officer Lopera?</p> <p>10 A. Yes.</p> <p>11 Q. How did you know him?</p> <p>12 A. Through -- he -- like I said, he's on 13 the sister squad, so we overlap and work one day 14 together.</p> <p>15 Q. All right. So you had spent time with 16 him together on the job at least on Saturdays?</p> <p>17 A. Yes.</p> <p>18 Q. Did you know him well enough to call him 19 Ken?</p> <p>20 A. I called him Lopera.</p> <p>21 Q. You never called him Ken?</p> <p>22 A. No. I didn't know his first name at the 23 time.</p> <p>24 Q. How many times do you think you and he 25 worked together on a Saturday?</p>
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<p>1 been partners for over six months.</p> <p>2 Q. Well, did Officer Flores tell you that 3 he saw that Mr. Farmer-Brown was unconscious while 4 you were handcuffing him?</p> <p>5 A. He didn't say that, no.</p> <p>6 Q. Did he say that he was showing any 7 resistance during the time that you and -- were -- 8 you and Officer Flores were handcuffing him?</p> <p>9 A. I didn't ask him that, no. He never 10 stated that to me.</p> <p>11 Q. Did he tell you whether or not he saw 12 the lateral vascular neck restraint being applied 13 by Officer -- by Officer Lopera before you did?</p> <p>14 A. No.</p> <p>15 Q. What did he say about that?</p> <p>16 A. Can you clarify the question?</p> <p>17 Q. Yeah, sure.</p> <p>18 You said that you saw the elbow.</p> <p>19 A. Correct.</p> <p>20 Q. You noticed that Mr. Farmer-Brown was 21 unconscious. And you told Officer Lopera to 22 loosen, loosen the hold.</p> <p>23 A. Yes.</p> <p>24 Q. Right. Did Officer Flores tell you that 25 he heard you say that?</p>	<p>1 A. I couldn't give you an exact -- I never 2 worked with him personally. He works the same 3 shift timeframe-wise, and then on that Saturday. 4 But he's not on my squad, so I never worked with 5 him work with him.</p> <p>6 Q. All right. And you mentioned that your 7 times overlapped on Saturdays?</p> <p>8 A. Yes.</p> <p>9 Q. All right. How many times did your 10 times overlap on a Saturday together before this 11 occurred?</p> <p>12 A. Probably for four months-ish.</p> <p>13 Q. Every Saturday?</p> <p>14 A. Yes.</p> <p>15 Q. Had you ever gone for drinks with him 16 after work?</p> <p>17 A. No.</p> <p>18 Q. Ever done any socializing with him?</p> <p>19 A. No.</p> <p>20 Q. Have you and Officer Flores ever 21 socialized together?</p> <p>22 A. No.</p> <p>23 Q. Ever gone for drinks?</p> <p>24 (Interruption by telephone.)</p> <p>25 (Discussion off the record.)</p>

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<p style="text-align: right;">Page 46</p> <p>1 MR. SAYRE: Do you want to take a break? 2 MR. McNUTT: No. 3 BY MR. SAYRE: 4 Q. All right. Do you know how to apply a 5 lateral vascular neck restraint? 6 A. Yes. 7 Q. How do you do it? 8 A. You approach from the rear. You shoot 9 your -- it doesn't matter. We learned it both 10 ways. But you shoot one arm forward, past the 11 subject's head, and then pull the arm back, 12 your -- clasp the arm. You attempt to place 13 the -- your elbow directly in front of the 14 subject, and then you clasp your rear hand back 15 together. 16 And depending on the level of 17 resistance, you start at zero degrees and move up 18 from there, depending on the subject's actions. 19 Q. When you say "you start at zero degrees 20 and move up," you're talking about applying more 21 pressure? 22 A. Correct. 23 Q. Okay. And where was the hold at the 24 time that you saw it? 25 A. The -- on -- that Officer Lopera was</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Okay. And how does the rear naked choke 2 differ, if you know, from a lateral vascular neck 3 restraint? 4 A. From what I know, the rear hand is 5 placed directly behind the subject's head and 6 clasped together and pushing forward on the 7 subject's head. 8 Q. Do you know, from your observation, 9 whether this hold was a lateral vascular neck 10 restraint or a rear naked choke? 11 A. No. 12 Q. You don't know either way? 13 A. It appeared to be LVNR. 14 Q. Why do you say that? 15 A. Because I observed the elbow in front of 16 the subject's neck. 17 Q. Well, would it be different with a rear 18 naked choke? Would the elbow placement be 19 different? 20 A. It would not. 21 Q. So why do you think that it looked like 22 it was a lateral vascular neck restraint? 23 A. Because that's what we're taught in the 24 academy. I assume that Lopera would use an LVNR. 25 Q. Okay. So you don't know because you</p>
<p style="text-align: right;">Page 47</p> <p>1 applying? 2 Q. Yeah. 3 A. It was -- his elbow was directly in 4 front of the subject's throat, neck. 5 Q. But you said that you could move the 6 hand up depending -- 7 A. Correct. 8 Q. All right. And that's what I'm asking 9 about. 10 A. I don't -- I did not see the rear elbow. 11 Q. You didn't look at the rear elbow? 12 A. I did not. 13 Q. I see. 14 All right. So do you know what a naked 15 rear choke is? 16 A. Yes. 17 Q. How do you know? 18 A. From watching UFC fights, MMA fights. 19 Q. Did they train you in -- at the academy 20 or afterwards in what a naked rear choke is? 21 A. No. 22 Q. You were not trained in how to get out 23 of a naked rear choke? 24 A. We were never taught the rear naked 25 choke.</p>	<p style="text-align: right;">Page 49</p> <p>1 didn't look at the back end, is that what you're 2 telling me? 3 A. Correct. 4 Q. So it could have been a rear naked 5 choke? 6 A. It could have. Could have. 7 Q. Okay. Did you see -- in the tase -- in 8 the video that you observed, did you see that 9 Officer Lopera tased Mr. Farmer-Brown multiple 10 times? 11 A. Yes. 12 Q. Do you know how many times? 13 A. I don't recall. 14 Q. Was it more than three? 15 A. Yes. 16 Q. And that's out of policy; correct? 17 A. Yes. 18 Q. The Metropolitan Police Department only 19 allows you to tase three times, and then 20 discontinue the use of the taser? 21 A. Yes. Correct. 22 Q. So Officer Lopera was out of policy when 23 he tased -- if he tased him as many as seven 24 times? 25 A. Yes.</p>

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1 Q. Now, you're only allowed to use the 2 five-second cycle when you tase; correct?		1 deadly force.	
3 A. Yes.		2 Q. Okay.	
4 Q. All right. That's how you've been 5 trained?		3 A. If the subject's -- displays an attempt	
6 A. Yes.		4 to do harm on an officer or another, we may use	
7 Q. And if Officer Lopera used a nine-second 8 cycle on his last tasing, that would be outside of		5 empty hand strikes or strikes to the subject.	
9 policy?		6 Q. When you were present there and	
10 A. Yes.		7 handcuffing Mr. Farmer-Brown, did you at any time	
11 Q. And "outside of policy" means 12 unreasonable; correct?		8 see Officer Lopera strike him in the head?	
13 MR. ANDERSON: Objection. Form.		9 A. No.	
14 Go ahead and answer.		10 Q. Did you at any time see him tase him?	
15 THE WITNESS: Yes.		11 A. No.	
16 BY MR. SAYRE:		12 Q. Do you understand as an officer of the	
17 Q. Now, did you see -- in looking at the 18 video, either video, did you see Officer Lopera		13 Metropolitan Police Department, that once a person	
19 striking Mr. Brown in the head?		14 is rendered unconscious by any kind of a choke	
20 A. Yes.		15 hold, whether it be lateral vascular neck	
21 Q. How many times?		16 restraint or any other, that you're required to	
22 A. I don't recall.		17 discontinue the hold?	
23 Q. Do you remember it was, like, 10 to 12		18 A. Yes.	
24 times?		19 Q. And to not fail to discontinue the hold	
25 A. I wasn't counting.		20 is excessive force?	
	Page 51	21 MR. ANDERSON: Objection. Form.	
1 Q. Okay. From your training, was he 2 justified in striking him in the head?		22 Go ahead.	
3 A. I wasn't there at the time of -- based		23 THE WITNESS: Yes.	
4 on the facts and circumstances that Lopera had, I		24 BY MR. SAYRE:	
5 wasn't there to determine that.		25 Q. And an officer like yourself, who sees a	
6 Q. Well, but you saw the video.			Page 53
7 A. So are you asking me to answer based on 8 what I saw in the video?		1 person unconscious and still in a lateral vascular	
9 Q. I am.		2 neck restraint or any other choke hold, is	
10 A. I don't know what Lopera was feeling at 11 the time, but based on the video, no.		3 required by your training to intervene; correct?	
12 Q. All right. Now, striking someone in the 13 head is potentially deadly force; correct?		4 A. Yes.	
14 MR. ANDERSON: Objection. Form.		5 Q. And what are you supposed to do when	
15 Answer.		6 that happens, if you see that happening?	
16 THE WITNESS: I suppose.		7 A. When it's safe to do so, intervene and	
17 BY MR. SAYRE:		8 stop the officer from doing --	
18 Q. And you're not allowed to strike people 19 in the head with your fist unless you're faced		9 Q. Okay. Now, if this is correct, that at	
20 with deadly force; right?		10 3 minutes and 25 seconds, you said, "Let him go,	
21 MR. ANDERSON: Objection. Form.		11 Ken," and Officer Lopera continued to hold onto	
22 Go ahead.		12 him for 47 more seconds in that hold, with him	
23 BY MR. SAYRE:		13 unconscious, you would have failed in your duty as	
24 Q. That's how you've been trained?		14 an officer to intervene; correct?	
25 A. No, it doesn't -- does not have to be		15 MR. ANDERSON: Objection. Form.	
		16 THE WITNESS: I didn't -- I did not say,	
		17 "Let him go, Ken."	
		18 BY MR. SAYRE:	
		19 Q. Okay. Well, if -- if you saw him	
		20 unconscious at 3 minutes and 25 seconds, and	
		21 Officer Lopera continued for another 47 seconds to	
		22 continue that hold on him, would you have been	
		23 required to intervene and stop Officer Lopera from	
		24 applying that hold?	
		25 MR. ANDERSON: Same objection.	

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<p>1 THE WITNESS: If I -- if I observed 2 Lopera holding the subject and he was already out, 3 I would intervene and tell him to let go of the 4 hold.</p> <p>5 BY MR. SAYRE:</p> <p>6 Q. Okay. Now, on the tape do you hear 7 yourself saying, "Loosen up, Ken" or "Loosen up. 8 He's out"?</p> <p>9 A. Yes.</p> <p>10 Q. Now, during the time that you were 11 handcuffing Mr. Farmer-Brown, was Sergeant 12 Crumrine still down by the feet?</p> <p>13 A. Yes.</p> <p>14 Q. Did he ever leave that position until 15 after Officer Lopera released the hold?</p> <p>16 A. No.</p> <p>17 Q. After Officer Lopera released the hold, 18 what did you do?</p> <p>19 A. We --</p> <p>20 Q. Not we. You. What did you do?</p> <p>21 A. I recall checking to see if the subject 22 was conscious or not. I did a sternal rub, to see 23 if he had any reaction to the sternal rub. Then I 24 checked for a pulse.</p> <p>25 Q. Anything else?</p>	<p>1 Q. And did he react? 2 A. He did not. 3 Q. And how long did the sternal rub last? 4 A. Two seconds. It's a quick -- it's a 5 quick check.</p> <p>6 Q. Then you said you checked for a pulse? 7 A. Correct.</p> <p>8 Q. How did you do that? 9 A. I put my fingers underneath his, I 10 guess, neck or on his neck, on his right side.</p> <p>11 Q. And you didn't feel a pulse, I take it? 12 A. I did not.</p> <p>13 Q. How long did you hold your fingers 14 there? 15 A. Five seconds.</p> <p>16 Q. Okay. And then you -- you sat him up? 17 A. Correct.</p> <p>18 Q. And then what did you do? 19 A. I made a -- with my hand I did some palm 20 strikes on the -- on his lower back.</p> <p>21 Q. How many? 22 A. Three.</p> <p>23 Q. And what was the purpose of that? 24 A. It's a -- we were taught in the academy, 25 if you render a subject unconscious, that you</p>
<p>1 A. I did not find a pulse, so I sat up 2 Mr. Farmer and began lower back taps to see if I 3 can get him to start breathing again. 4 I radioed for dispatch to roll medical.</p> <p>5 Q. All right. Let's take -- the first 6 thing is how did you check to see if he was 7 conscious or not?</p> <p>8 A. I did -- I conducted the sternal rubs on 9 the subject.</p> <p>10 Q. That's how you checked to see whether he 11 was conscious?</p> <p>12 A. It's -- it's a -- it's a way to see if 13 they can feel -- if they feel the pain, then most 14 of the times they'll -- they'll react to it.</p> <p>15 Q. But I'm trying to understand, because 16 you had said first you -- you checked to see if he 17 was conscious, then you conducted the sternal rub.</p> <p>18 Was that one and the same thing?</p> <p>19 A. That's my method of checking to see if 20 he was conscious.</p> <p>21 Q. Tell me how you did that.</p> <p>22 A. I used my -- I guess, my index knuckle 23 and placed it on his chest and just pressed down 24 on it to see if he felt any pain or a reaction 25 from it.</p>	<p>Page 55</p> <p>1 deliver some lower back taps to get the person to 2 start -- or wake up, get some blood flow or 3 breathing to start again.</p> <p>4 Q. All right. And how long did that take? 5 A. Three seconds.</p> <p>6 Q. So in a period of 10 seconds you did a 7 sternal rub, you checked for a pulse, and you hit 8 his back three times in the lower back?</p> <p>9 A. Yes.</p> <p>10 Q. Pretty fast.</p> <p>11 During this time, what was 12 Officer Lopera doing?</p> <p>13 A. I did not see him.</p> <p>14 Q. Was he -- was he near Mr. Farmer-Brown?</p> <p>15 A. I don't recall.</p> <p>16 Q. Did he check to see if he was conscious? 17 A. No.</p> <p>18 Q. Did he check to see if he had a pulse? 19 A. No.</p> <p>20 Q. Did he sit him up and tap his back to 21 see if he could arouse him?</p> <p>22 A. No.</p> <p>23 Q. And did you conduct any -- after you had 24 done this, you said you called dispatch and asked 25 them to roll an ambulance?</p>

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		Page 58	Page 60
1	A. Yes.		
2	Q. All right. How long did it take to get		
3	an ambulance there?		
4	A. I don't recall.	1	A. He's a -- he transferred to day shift.
5	Q. Estimate.	2	Q. Day shift on the Strip?
6	A. Three minutes.	3	A. Correct. Same -- same station.
7	Q. Pretty fast.	4	Q. Did you -- you looked through the
8	A. Three to five. I don't know.	5	entirety of the video.
9	Q. Okay. So -- and during this time, while	6	Did you see any attempts being made by
10	you were waiting for the ambulance, did you	7	Tashi Farmer-Brown to carjack a vehicle?
11	conduct cardiopulmonary resuscitation?	8	MR. ANDERSON: Can I just object on
12	A. I did not.	9	foundation? Did we establish he watched all the
13	Q. Why not?	10	video? I apologize.
14	A. Another officer that arrived began CPR.	11	MR. SAYRE: He said -- I went through
15	Q. And who was that?	12	both of them. He said he had watched both. He
16	A. Officer -- I don't know how to spell his	13	also said he watched them sync'd, as I recall.
17	last name -- Amburgey.	14	THE WITNESS: I'm sorry. What was the
18	Q. Okay. And Officer Lopera, where is he?	15	question?
19	A. I don't know.	16	BY MR. SAYRE:
20	Q. Did you ever look to see where he went?	17	Q. The question was in looking at the
21	A. No.	18	videos, either one or both together, did you see
22	Q. Did you hear him talking?	19	any attempt made by Tashi Farmer-Brown to hijack a
23	A. I do recall -- I don't know who he was	20	vehicle?
24	talking to, but I do recall him saying that the	21	A. In the video, he approached a white
25	subject was trying to carjack somebody.	22	pickup truck. But through -- based on the video,
		23	I did not see him attempt to hijack a vehicle.
		24	Q. All right. Did you read the report, the
		25	arrest report?
		Page 59	Page 61
1	Q. Did you see whether he was addressing	1	A. This one in front of me?
2	Sergeant Crumrine?	2	Q. Yeah.
3	A. I did not see who he was talking to.	3	A. I just briefly skimmed through it when
4	Q. While you were doing the various things	4	it first came out.
5	to try to determine the consciousness of	5	Q. Did you see that the person who was
6	Mr. Farmer-Brown, where was Officer Crumrine?	6	driving the truck was interviewed?
7	A. I don't know.	7	A. In this report?
8	Q. Where was Officer Flores?	8	Q. Yeah.
9	A. He was -- he was next to me. I don't	9	A. I don't recall, no.
10	know if he was directly next to me, but I know he	10	Q. It's on page 2 of 8.
11	was around.	11	A. 208?
12	Q. I'm sorry. I may have asked you this	12	Q. 2 of 8.
13	before.	13	MR. ANDERSON: 6 is the bottom.
14	What's Officer Flores's first name?	14	THE WITNESS: Okay. No.
15	A. Michael.	15	BY MR. SAYRE:
16	Q. And you said that you and he are no	16	Q. So you didn't read him say that he
17	longer partners?	17	didn't think there was -- anybody was trying to
18	A. That's correct.	18	carjack his vehicle?
19	Q. When did you stop being partners?	19	A. No, I did not.
20	A. Either in June or July.	20	Q. Did you read where the officer said if
21	Q. And why was that? Just different	21	he had -- Mr. Farmer-Brown had survived, he would
22	assignment or what?	22	not have been facing any charges for carjacking?
23	A. I transferred to a different squad,	23	A. No.
24	different shift.	24	Q. Now, let's look at page 2 of 8. Okay.
25	Q. Okay. And where is Officer Flores?	25	It says at 0434 hours, which is 4:34 a.m., I

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1 assume, Officer Tran was interviewed by 2 detectives. 3 Do you recall that? 4 A. Yes, I remember the interview. 5 Q. Okay. Where did the interview take 6 place? 7 A. Maybe a hundred feet away from the 8 scene, in the Metro vehicle. 9 Q. Was it recorded? 10 A. Yes. 11 Q. Do you know who the two detectives were 12 or whether -- assuming there were two? 13 A. No. 14 Q. Did you know either detective? 15 A. No. I know I had my union rep with me. 16 Q. Okay. What's his name? 17 A. I'm trying to -- I don't know. 18 Q. Okay. Then it says -- this is a summary 19 of the interview. 20 "When he arrived to the rear of the 21 Venetian, Officer Tran observed an LVMPD vehicle 22 in the street and an officer in a green uniform, 23 with a suspect on the ground." 24 That's what you've told us previously; 25 right?	Page 62	1 Q. So all you had to do was hook up the 2 other hand? 3 A. Yes. 4 Q. The other arm, rather. Okay. 5 Then it says, "When he looked at the 6 suspect, he appeared to be unconscious"; right? 7 A. Yes. 8 Q. Doesn't say anything about you 9 handcuffing him and then looking at him. What it 10 says is you came up. He appeared to be 11 unconscious. 12 A. Yes. 13 Q. "Officer Tran told Lopera to let go." 14 Now, you've denied saying that; right? 15 A. Yes. 16 Q. So is this officer being untruthful with 17 what he says you said? 18 MR. ANDERSON: Objection. Form. 19 THE WITNESS: I told -- I told the 20 detective, I said, "Loosen up." I never said, 21 "Let go." 22 BY MR. SAYRE: 23 Q. Okay. Now, over here on 3:25, on 24 page 000009, the officer who listened to the tape 25 says, "Officer Tran arrived and said, 'Let him go,'	Page 64
1 A. Yes. 2 Q. "When he exited his vehicle and 3 approached it, it appeared the officer had the 4 suspect in the LVNR and handcuffed in one hand." 5 Now, is that what you told them, that he 6 appeared to have them -- him in an LVNR? 7 A. Yes. 8 Q. Okay. And why did you say that? 9 A. Because after we took him into custody, 10 I saw the elbow and assumed the subject was in the 11 LVNR. 12 Q. Okay. And then it says -- and it says 13 that the officer had a handcuffed in one hand. 14 A. The officer had a handcuff in one hand? 15 Q. Seems to be. 16 Are you saying that the suspect had a 17 handcuff in one hand? 18 A. Correct. He had a handcuff on his left 19 hand. 20 Q. Oh, okay. So the suspect had a handcuff 21 on one hand, his left hand? 22 A. Yes. 23 Q. All right. And that was the hand that 24 was behind his back? 25 A. Yes.	Page 63	1 Ken." 2 You've denied that he said that -- that 3 you said that? 4 A. I did not say that. 5 Q. Have you listened to a tape of your 6 interview? 7 A. No. 8 Q. But you've listened to the two tapes, 9 the sync'd tapes? 10 A. I watched the videos. 11 Q. Video. Have you listened to the audio? 12 A. It was playing while the video was 13 playing. 14 Q. And you're saying you never heard the 15 audio say, "Let him go"? 16 A. I heard the -- I heard that statement, 17 but it was not me that said it. 18 Q. Okay. Who said it? 19 A. I'm assuming it was Sergeant Crumrine 20 that said it. 21 Q. Did you -- did you hear him say, "Let 22 him go, Ken"? 23 A. I only heard all the statements on the 24 video. The statements were said prior to my 25 arrival. After I arrived, I didn't hear any	Page 65

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1 statements. 2 Q. Okay. But you heard on the video a 3 statement by somebody saying, "Let him go, Ken"? 4 A. Yes. 5 Q. And you believe that that was Officer 6 Crumrine? 7 A. Yes. 8 Q. Not you? 9 A. It was not me. 10 Q. Now, after Officer Crumrine said, "Let 11 him go, Ken," is that when you went about 12 handcuffing him? 13 A. I don't know. 14 Q. You don't know whether you heard that 15 and then you started handcuffing him? 16 A. The statements were said before I 17 arrived. I don't -- 18 Q. Okay. 19 A. I didn't hear any statements when I 20 arrived. 21 Q. So when you arrived, you didn't hear any 22 statement? 23 A. I did not. 24 Q. Did you ever talk to Officer Flores 25 about having heard on the tape Officer Crumrine	Page 66	1 Q. When you listened to the tape, from the 2 time that you heard Crumrine say, "Let him go, 3 Ken," to the time that you said "loosen up," how 4 much time passed? 5 A. I don't know. 6 Q. Well, here it says that you -- maybe 7 they're wrong, but it says that you said, at 3 8 minutes and 25 seconds, "Let him go, Ken." 9 Let's assume that that -- from what you 10 say, that that was Crumrine. And then it's 11 another 47 seconds before Lopera releases the 12 hold. 13 Are you saying you told Lopera, just 14 before he released the hold, "Loosen up, Ken"? 15 A. That's correct. 16 Q. Okay. So it would be more like 40-some 17 seconds from the time that Crumrine says, "Let him 18 go, Ken," to when you say loosen up the hold; 19 right? 20 A. Yes. 21 Q. Did you hear Crumrine, in the video, 22 saying, "Let him go, Ken"? 23 A. In the video, yes. 24 Q. And did you hear Lopera saying, "Are you 25 sure?"	Page 68
1 saying, "Let him go, Ken"? 2 A. I don't recall. 3 Q. It says, "When Officer Lopera loosened 4 up on the LVNR, the suspect was able to be placed 5 in handcuffs." 6 So to the detectives you said you placed 7 him in handcuffs after the LVNR was loosened up. 8 A. That's correct. After reviewing the 9 videos -- this interview was immediately that 10 night. After reviewing the videos, I determined 11 that my recollection of the events were different. 12 That night I thought that since we 13 couldn't get the left arm out, that I looked down 14 and observed Farmer unconscious, and I stated to 15 him loosen up. That's when I was able to handcuff 16 his arms. 17 But after reviewing the tapes or the 18 video, it was the opposite. We handcuffed him 19 first, and then I told him to loosen up. 20 Q. When you listened to the video, could 21 you hear you saying, "Loosen up"? 22 A. Yes. 23 Q. Okay. And that was just before he 24 actually loosened up the -- the hold? 25 A. Yes.	Page 67	1 A. Yes. 2 Q. And did you hear Crumrine saying, 3 "Yeah"? 4 A. I don't recall that. 5 Q. But you remember Lopera immediately, 6 after Crumrine said, "Let him go, Ken," saying, 7 "Are you sure?" 8 A. Yes. 9 Q. But you don't remember hearing a 10 response? 11 A. Not from the video. I haven't seen the 12 video in a while. 13 Q. Okay. It then says, at 3:27, "Roll him 14 to -- hold on. Don't grab my fucking legs." 15 Did you hear him say that? 16 A. Yes, I heard -- I heard Lopera say, 17 "Don't grab my fucking legs." 18 Q. And who was grabbing his fucking legs? 19 A. I don't -- it was either myself or 20 Officer Flores, but I don't recall. 21 Q. Okay. And then it says, "Officer Tran 22 stated, 'We're on top of him.'" 23 Did you state that? 24 A. I don't recall stating that. 25 Q. Did you hear it?	Page 69

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<p>1 A. On the video, I don't recall, no.</p> <p>2 Q. Okay. And then it says, at 3:00,</p> <p>3 "Officer Lopera stated, 'Roll him to the other</p> <p>4 side. Get the other arm, too."</p> <p>5 Sounds like you're trying to handcuff</p> <p>6 him.</p> <p>7 A. Correct.</p> <p>8 Q. And do you remember Officer Lopera</p> <p>9 saying that?</p> <p>10 A. I don't.</p> <p>11 Q. Do you remember hearing it on the tape?</p> <p>12 A. I don't.</p> <p>13 Q. 3:36, "Officer Lopera placed the palm of</p> <p>14 his hand on Farmer's forehead."</p> <p>15 Did you see that happen?</p> <p>16 A. No.</p> <p>17 Q. Did you see it on the tape?</p> <p>18 A. I don't recall now.</p> <p>19 Q. Okay. Officer -- at 3:38,</p> <p>20 "Officer Lopera asked, 'You got the other one?'"</p> <p>21 You remember him saying that?</p> <p>22 A. No.</p> <p>23 Q. Do you remember that he was trying to</p> <p>24 help you with the handcuffing of Mr. Farmer-Brown?</p> <p>25 A. Yes.</p>	<p>1 BY MR. SAYRE:</p> <p>2 Q. You didn't see him approach</p> <p>3 Mr. Farmer-Brown after he released the hold?</p> <p>4 A. I don't recall that.</p> <p>5 Q. You didn't see him attempt to determine</p> <p>6 whether he had a pulse?</p> <p>7 A. No.</p> <p>8 Q. You didn't see him attempt to do any</p> <p>9 resuscitation?</p> <p>10 A. No.</p> <p>11 Q. Then it says, at 4 minutes and 36</p> <p>12 seconds, "Officer Lopera stated, 'I tased him.'"</p> <p>13 Did you hear him say that?</p> <p>14 A. No.</p> <p>15 Q. Then at 4:38, "Officer Lopera stated,</p> <p>16 'Roll medical.'"</p> <p>17 A. I didn't hear him say that.</p> <p>18 Q. Okay. You didn't rolled medical yet at</p> <p>19 that point, had you? You hadn't asked for it to</p> <p>20 be rolled?</p> <p>21 A. I don't know the exact timeframe, but I</p> <p>22 cleared -- I cleared the red, which is -- it opens</p> <p>23 up the channel.</p> <p>24 Q. Right.</p> <p>25 A. And I said, "Roll medical." But I don't</p>
Page 71	
<p>1 Q. So you were there during this time when</p> <p>2 Mr. Farmer-Brown is unconscious?</p> <p>3 A. Yes.</p> <p>4 Q. And it says, at 3:50, "Farmer gasps."</p> <p>5 Did you hear him gasp?</p> <p>6 A. No.</p> <p>7 Q. And then at 4:11, "Lopera released the</p> <p>8 hold on Farmer."</p> <p>9 You were there when that happened?</p> <p>10 A. Yes.</p> <p>11 Q. Then it says, at 4:17, six seconds</p> <p>12 later, "Lopera stated he tried to carjack</p> <p>13 somebody."</p> <p>14 Did you hear Lopera say that?</p> <p>15 A. Yes.</p> <p>16 Q. Where was he located when he said that?</p> <p>17 A. I don't recall.</p> <p>18 Q. Is it fair to say that Officer Lopera,</p> <p>19 once he released the hold, did nothing further to</p> <p>20 try to determine the medical condition of</p> <p>21 Tashi Farmer-Brown?</p> <p>22 MR. McNUTT: Objection. Form.</p> <p>23 THE WITNESS: I wasn't focused on</p> <p>24 Lopera, but I don't recall him doing anything.</p> <p>25</p>	<p>1 recall what timeframe or when -- when that was.</p> <p>2 Q. Okay.</p> <p>3 A. It was immediately after the incident,</p> <p>4 after taking him into custody.</p> <p>5 Q. Now, do you hear -- there's this</p> <p>6 sequence here at 5 minutes 3 seconds. "Sergeant</p> <p>7 Crumrine approached Officer Lopera.</p> <p>8 Officer Lopera told Sergeant Crumrine he was</p> <p>9 getting coffee when he was approached by a guy who</p> <p>10 said someone was following him. Officer Lopera</p> <p>11 then stated the male ran away from the officers</p> <p>12 and outside the hotel. As Officer Lopera was</p> <p>13 chasing the male, he attempted to gain access into</p> <p>14 the bed of a truck, at which time Officer Lopera</p> <p>15 tased him. Farmer attempted to pull the ECD wires</p> <p>16 out, and Lopera said, 'I choked him out.'</p> <p>17 Did you hear that conversation?</p> <p>18 A. No.</p> <p>19 Q. Did you hear it when you listened to the</p> <p>20 tape?</p> <p>21 A. I do recall a statement similar.</p> <p>22 Q. Did it sound like Officer Lopera was --</p> <p>23 was being boastful about having choked him out?</p> <p>24 MR. McNUTT: Objection. Form.</p> <p>25 THE WITNESS: Boastful?</p>

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1 BY MR. SAYRE:		1 BY MR. SAYRE:	
2 Q. Yeah. He was proud --		2 Q. Okay. All right. Then at 9:34, "Lopera	
3 A. Like he was proud of it?		3 talked to Officer Leaf."	
4 Q. Yeah.		4 Is that spelled "Leaf" again?	
5 A. No.		5 MR. ANDERSON: Is it Lif?	
6 Q. Take a look at page 000010. It says, at		6 THE WITNESS: Lif.	
7 6:38, "Officer Lopera told Officer Flores and		7 BY MR. SAYRE:	
8 Ribacky what happened."		8 Q. "During the conversation, Officer Lopera	
9 Now, Flores is your partner --		9 told her, 'I start punching him, rear nakeded his	
10 A. Correct.		10 ass. He went out."	
11 Q. -- right?		11 Did you hear that conversation?	
12 That was the only Flores there that		12 A. No.	
13 night?		13 Q. Okay. At 11:25, "Officer Rybacki	
14 A. Yes.		14 approached Officers Tran and Flores. One of the	
15 Q. Who is Ribacky, do you know?		15 officers stated, 'He was out when we got here,'	
16 A. He's another officer that was on our		16 referring to Farmer. Rybacki responded, 'Oh, he	
17 squad.		17 was definitely on something."	
18 Q. Okay. Do you know when he arrived at		18 Now, do you remember having the	
19 the scene?		19 conversation with Rybacki?	
20 A. I do not.		20 A. I remember that specific moment, yes. I	
21 Q. "During the conversation, he stated, 'I		21 remember Rybacki and Flores.	
22 start whaling on the dude, and then I rear-mounted		22 Q. Rybacki and Flores?	
23 and choked him out."		23 A. Yes.	
24 Did you hear Lopera say that?		24 Q. Is it Flores who said, "He was out when	
25 A. No.		25 we got here?"	
	Page 75		Page 77
1 Q. Okay. At 7:41, "Officer Lopera tells		1 A. I don't know. I didn't --	
2 another officer, 'I tased him, fought a little		2 Q. You didn't say it?	
3 bit, and choked him out."		3 A. I didn't say it, no.	
4 Did you hear him say that?		4 Q. Do you remember Flores saying it?	
5 A. No.		5 A. I don't recall. I know it was said.	
6 Q. Did you ever see Mr. Farmer-Brown		6 Q. Well, there was only you and Flores	
7 fighting?		7 talking to Rybacki.	
8 A. I did not see any resistance.		8 A. Correct. Yes.	
9 Q. Okay. Including when you looked at the		9 Q. So if it wasn't you --	
10 tape, you didn't see him fighting?		10 A. It was probably Flores.	
11 MR. McNUTT: Objection. Form.		11 Q. All right. During the time -- from the	
12 BY MR. SAYRE:		12 time that you got there until the time that -- I	
13 Q. Did you see any fighting?		13 assume Officer Flores got there the same time you	
14 A. He wasn't complying to officers'		14 did --	
15 commands.		15 A. Yes.	
16 Q. I understand.		16 Q. -- correct?	
17 But did you see him fighting?		17 From the time that you got there until	
18 MR. McNUTT: Objection. Form.		18 the time that Officer Lopera released the hold,	
19 THE WITNESS: I don't recall.		19 did Flores do anything whatsoever to intervene?	
20 BY MR. SAYRE:		20 A. No. We were trying to take him into	
21 Q. He kept saying, "I will, I will," almost		21 custody.	
22 crying; right?		22 Q. Right. During the time from the time	
23 MR. ANDERSON: Objection. Form.		23 that you got there until the time that Lopera	
24 MR. McNUTT: Join.		24 released the hold, did you see Sergeant Crumrine	
25 THE WITNESS: Yes, I recall that.		25 do anything to intervene?	

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<p>1 A. No.</p> <p>2 Q. All right. Now, take a look at --</p> <p>3 further on page 6 of 8. It says that this officer</p> <p>4 viewed the footage from the Venetian Hotel. And</p> <p>5 it says, at 56:40, "Officer Lopera holstered his</p> <p>6 ECD."</p> <p>7 And then from 56:40 to 57:03, that's a</p> <p>8 period of 23 seconds, "Lopera struck Farmer in the</p> <p>9 head approximately 10 to 12 times."</p> <p>10 Did you see that on the tape?</p> <p>11 A. Yes.</p> <p>12 Q. Was there any justification for that</p> <p>13 occurring?</p> <p>14 MR. ANDERSON: Objection. Form.</p> <p>15 Go ahead. Based upon what he saw?</p> <p>16 MR. SAYRE: Right. He saw.</p> <p>17 THE WITNESS: Based on the video, no.</p> <p>18 BY MR. SAYRE:</p> <p>19 Q. Okay. Now, he says, when he looks at</p> <p>20 the video from the Venetian -- or actually from</p> <p>21 the sync'd videos, he says that at 57:30, "Officer</p> <p>22 Tran told Officer Lopera to let go of Farmer."</p> <p>23 You deny that you said that?</p> <p>24 A. I don't know what timeframe it was. I</p> <p>25 didn't -- my statement was not "Let go." My</p>	<p>1 MR. ANDERSON: Well, then if that's the</p> <p>2 case --</p> <p>3 MR. SAYRE: I can take a break too.</p> <p>4 MR. ANDERSON: No. Carry on.</p> <p>5 MR. SAYRE: All right.</p> <p>6 Q. All right. Now, from the time that you</p> <p>7 heard Crumrine say, "Let him go, Ken," until</p> <p>8 Officer Lopera released Farmer, was that</p> <p>9 approximately 46 seconds?</p> <p>10 A. Are you referring to the video?</p> <p>11 Q. Yes, sir.</p> <p>12 A. I -- I don't know.</p> <p>13 Q. Is that your best estimate?</p> <p>14 A. I would say 30 seconds, yeah.</p> <p>15 Q. Okay. And you didn't see in that 30</p> <p>16 seconds Officer Crumrine do anything to intervene</p> <p>17 with Officer Lopera?</p> <p>18 A. No.</p> <p>19 MR. SAYRE: Why don't we take a break.</p> <p>20 I may be done. I just have to look over a couple</p> <p>21 things.</p> <p>22 THE VIDEOGRAPHER: Half an hour is okay</p> <p>23 to leave the video on, or should I change the</p> <p>24 video, Counsel?</p> <p>25 MR. SAYRE: No. Half an hour will be</p>
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<p>1 statement was, "Loosen up. Loosen up. He is</p> <p>2 out."</p> <p>3 Q. Okay.</p> <p>4 A. So I don't know what he's referring to,</p> <p>5 the detective in this.</p> <p>6 Q. And then it says, at 58:16, 46 seconds</p> <p>7 later, after you said whatever you said to Lopera,</p> <p>8 "Officer Lopera released Farmer."</p> <p>9 You see that?</p> <p>10 A. Yes.</p> <p>11 Q. Is that the correct period of time</p> <p>12 that -- after you told him to loosen up, or</p> <p>13 whatever you told him, did 46 seconds pass before</p> <p>14 Lopera actually released the hold?</p> <p>15 MR. McNUTT: Objection. Form.</p> <p>16 THE WITNESS: No. That's incorrect.</p> <p>17 After I stated to Lopera he was out --</p> <p>18 MR. SAYRE: Okay.</p> <p>19 THE WITNESS: -- Lopera immediately</p> <p>20 released the hold.</p> <p>21 MR. SAYRE: All right.</p> <p>22 MR. McNUTT: Fred, maybe at 1130-ish,</p> <p>23 we'll take a break?</p> <p>24 MR. SAYRE: Yeah. Yeah. I'm almost</p> <p>25 done, but I can take a break, too.</p>	<p>1 good. I won't need that.</p> <p>2 THE VIDEOGRAPHER: Okay. We are off the</p> <p>3 record at 11:26 a.m.</p> <p>4 (Whereupon, a recess was taken.)</p> <p>5 THE VIDEOGRAPHER: Back on the record.</p> <p>6 The time is 11:31 a.m.</p> <p>7 BY MR. SAYRE:</p> <p>8 Q. Part of the training, or at least the</p> <p>9 way I read it in the manual, says that the</p> <p>10 Metropolitan Police Department trains its officers</p> <p>11 how to escape from a rear naked choke.</p> <p>12 Did you get that training?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Well, so you have to know how a</p> <p>15 rear naked choke is applied, presumably, in order</p> <p>16 to be able to escape from it; right?</p> <p>17 MR. McNUTT: Objection. Form.</p> <p>18 THE WITNESS: Not necessarily. We know</p> <p>19 how the LVNR is applied, and we're taught how to</p> <p>20 fight off the first -- the front arm.</p> <p>21 BY MR. SAYRE:</p> <p>22 Q. Okay. So in a rear naked choke, is it</p> <p>23 the same type of maneuver, you fight off the first</p> <p>24 arm?</p> <p>25 A. In the academy, we called it headlock</p>

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1 defense, not necessarily LVNR defense or rear 2 naked choke defense. But we do -- we do try to 3 fight off that first initial encircling arm. 4 Q. Okay. Did you ever have a conversation 5 with Officer Flores about whether or not the hold 6 that Officer Lopera had around the neck of 7 Mr. Farmer-Brown was a lateral vascular neck 8 restraint or a rear naked choke hold? 9 A. We both agreed that we didn't know what 10 it was. 11 Q. Okay. You said that you did not see 12 where -- tell me again. 13 How much of the hold did you see? 14 A. I saw the -- the -- Lopera's elbow 15 around Farmer's neck, and his -- the point of 16 Lopera's elbow was directly in front of his 17 throat. 18 Q. Right. So as to not put pressure on the 19 trachea -- 20 A. Correct. 21 Q. -- right? 22 And then where were the hands or the 23 rest of the arm? 24 A. I did not see that part. 25 Q. Okay. Now, the LVNR requires that the	1 close to 100 percent of the blood. 2 Do you know that? 3 A. I do not. 4 MR. ANDERSON: Objection. Form. 5 BY MR. SAYRE: 6 Q. Have you ever had the lateral vascular 7 neck restraint applied to you? 8 A. Yes. 9 Q. Did you go unconscious? 10 A. No. 11 Q. Did you tap out? 12 A. We were in training. No. 13 Q. The -- there has been a change in the 14 policy of the police department regarding the use 15 of the lateral vascular neck restraint. 16 Have you been trained in that? 17 A. Yes. 18 Q. And what have you been trained? 19 A. We were -- the use of force model was 20 updated, where the LVNR level 1 has moved from a 21 low-level control to an intermediate use of force. 22 Q. And what has happened, if anything, with 23 regard to the LVNR level 2? 24 A. I believe it's remained the same. 25 Q. And how about LVNR level 3?
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1 point of the elbow be in front of the throat so 2 it's not an air choke? 3 A. Correct. Right. 4 Q. But then you have to have the arm 5 alongside the neck; correct? 6 A. The side of the neck. 7 Q. Right. The -- so that it puts pressure 8 on the nerves in the side of the neck, right? 9 A. The carotid artery. 10 Q. The carotid, vagus. It is a blood 11 choke, right? 12 A. Correct. 13 Q. But you're not supposed to -- in an 14 LVNR, you're not supposed to put pressure on the 15 back of the neck? 16 A. No. 17 Q. Do you know why? 18 A. Injury to the neck or spine. 19 Q. Well, what they say is that 20 percent 20 of the blood going to the brain goes up through 21 the vertebral area. So you still have blood going 22 to the brain. 23 So the difference is if you put the 24 pressure on the rear, then that's -- that's the 25 naked rear choke, because then you're cutting off	1 A. It's still remained the same. 2 Q. And what is the LVNR level 3 level as 3 far as the use of force? 4 A. It's intermediate use of force or deadly 5 force. 6 Q. Okay. So it could be either 7 intermediate use of force or deadly force. 8 What's the difference between the LVNR 9 level 1 and the LVNR level 2? 10 A. The level 1 is a zero-degree hold, where 11 you're just restraining the subject. As you go up 12 in levels, you're applying more pressure and the 13 angle of the LVNR. 14 Q. Well, what's the angle that it becomes 15 in LVNR 2? 16 A. 20 degrees. 17 Q. And how do you effectively do a 18 20-degree angle? 19 A. You -- are you asking how do you bring 20 it to a 20-degree? 21 Q. Yeah. 22 A. Your rear arm is lifted 20 degrees. 23 Q. Now, you can't do that with any 24 mathematical precision; right? 25 A. No, I suppose not.

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1 Q. So it's just kind of an estimate?		1 Domain 20 and Learning Domain 33?	
2 A. Yes.		2 A. No.	
3 Q. All right. And then to go from an LVNR		3 Q. Not by numbers.	
4 2 to an LVNR 3, what's that difference?		4 Have you --	
5 A. That's a -- level 3 is a 45-degree.		5 A. I've never heard of Learning Domain.	
6 Q. Okay. And, again, you have to lift your		6 Q. You've never heard of the word "Learning	
7 arm so it's at a 45-degree angle?		7 Domain"?	
8 A. Correct.		8 A. I don't believe so.	
9 Q. And, again, there's no mathematical		9 Q. Take a look at this book, please.	
10 precision about that; right?		10 MR. SAYRE: And maybe you can look on	
11 A. Half of 90 degrees.		11 with him. I've got one other for counsel.	
12 Q. Right. But it's just an estimate on the		12 MR. McNUTT: Thank you.	
13 part of the officer?		13 MR. SAYRE: That's my bad, as my son	
14 A. Yes.		14 would say. I should have had one more.	
15 Q. Are you given any training on how to		15 BY MR. SAYRE:	
16 determine what the difference is between an LVNR 2		16 Q. Take a look at 61 -- 0616 down at the	
17 and an LVNR 3?		17 bottom. It has a copyright of James Lindell.	
18 A. Yes.		18 Do you know who James Lindell is?	
19 Q. What's that?		19 A. No, I don't.	
20 A. In the academy, we practiced all the		20 Q. Okay. Well, he's the father of the	
21 angles. I don't know the amount of hours, but we		21 lateral vascular neck restraint, or at least one	
22 went through all the levels.		22 of them, anyway.	
23 Q. All right. How many hours did you train		23 It says, in the middle, if you look at	
24 on the LVNR?		24 about a third of the way down, "The two greatest	
25 A. I don't know. If I had to estimate, at		25 problems with police neck restraint are that	
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1 least 40 hours -- 30, 40 hours.		1 officers are often not taught how to regulate	
2 Q. Okay.		2 control of a subject by the neck and when to stop	
3 A. It was a lot of hours.		3 compression on a subject's neck."	
4 Q. And have you had to recertify or retrain		4 What training have you been -- have you	
5 on a yearly basis?		5 received from the Metropolitan Police Department	
6 A. Yes.		6 as to when to stop compression on a subject's	
7 Q. How many hours?		7 neck?	
8 A. Two hours this year.		8 A. The LVNR -- are you referring to in the	
9 Q. When did those occur?		9 LVNR training?	
10 A. Our defensive tactics, our quarterly.		10 Q. Yes, sir. Either in it or outside of	
11 So I don't know. I couldn't tell you.		11 it. But it has to do with the lateral vascular	
12 Q. When is the last time that you certified		12 neck restraint.	
13 on the LVNR prior to May of 2017?		13 What training have you received as to	
14 A. Certified?		14 when to stop compression on a subject's neck?	
15 Q. Retrained.		15 A. When the subject's resistance is over	
16 A. I don't recall. Every quarter is not		16 and if he's unconscious.	
17 the same exact training. So I do recall doing it		17 Q. Okay. So either he's not resisting or	
18 this year, but I don't -- I don't know prior to		18 he's unconscious, in which case he's not	
19 May.		19 resisting.	
20 Q. Okay. Has it always been two years or		20 A. Can be the same.	
21 two hours a year?		21 Q. Right. Okay. So how can you tell if a	
22 A. I believe so.		22 subject is unconscious?	
23 Q. Okay. Are you POST-certified?		23 A. I would think when he's not responding	
24 A. Yes.		24 to your commands, if he's not moving, if he's not	
25 Q. Okay. So are you familiar with Learning		25 resisting.	

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<p>1 Q. Okay. Now, do you have any idea why 2 Officer Lopera would be saying, "Is he out yet? 3 Is he out yet?" 4 A. I believe he was possibly trying to put 5 him out, to render him unconscious. 6 Q. Why wouldn't he know whether he was 7 unconscious or not? 8 MR. ANDERSON: Objection to form. 9 THE WITNESS: I don't know. 10 BY MR. SAYRE: 11 Q. What training have you received from the 12 Metropolitan Police Department to ascertain 13 whether somebody is unconscious? How do you do 14 it? 15 A. Like I said earlier, if they're not 16 resisting and they're not responding to your 17 commands or questions. 18 Q. Now, Mr. Farmer wasn't resisting during 19 any time that you were handcuffing him; right? 20 A. No. 21 Q. So during the time you were handcuffing 22 him, he should not have been having a neck 23 restraint placed on his neck; right? 24 A. I wasn't there. I don't know what 25 transpired prior to my arrival. But based on the</p>	<p>1 Q. Well, but you said you had him in 2 custody once he's handcuffed. 3 A. Correct. 4 Q. So there's no reason to maintain the 5 compression hold once he's handcuffed. 6 A. Yes. And he released the hold as soon 7 as I let him know. 8 Q. Take a look at Basic Coursework Book 9 Series Learning Domain 20. It's at the back of 10 your booklet. Sorry. That's not Bates stamped. 11 It's in the excerpts from the California POST 12 training. 13 MR. ANDERSON: Has this been produced in 14 the litigation? 15 MR. SAYRE: I don't think so, but I 16 will. 17 MR. ANDERSON: Okay. No, that's fine. 18 But it's California police standards? 19 MR. SAYRE: It is, yeah. Right. My 20 understanding is it's -- POST training is 21 universal, but it comes from the -- California. 22 Q. All right. The first page, it says, 23 "Unreasonable force occurs when the type, degree, 24 and duration of force employed was not necessary 25 or appropriate."</p>
<p>1 video, I believe -- I guess not. 2 Q. Okay. Now, take a look at 0617. 3 There's the first full paragraph. It says, 4 "Officers also learn to respond to a subject's 5 submission and relax compression as soon as 6 resistance ceases." 7 So is that it? When the resistance 8 ceases, you relax compression on the neck? 9 A. Correct. 10 Q. Is that how you're trained by the 11 Metropolitan Police Department? 12 A. Yes. If they're not resisting, there's 13 no need to raise the level of the LVNR. 14 Q. Well, if they're not resisting, there's 15 no reason to even have the compression hold on the 16 neck; right? 17 A. Well, depends on the circumstances. 18 Q. Okay. Under what circumstances would it 19 be okay, based upon your training, to maintain a 20 compression hold on a neck if the subject is not 21 resisting? 22 A. To -- if the subject was in a physical 23 fight with a person or trying to harm another 24 person, until we have the subject in custody, the 25 level 1 can be used to control the subject.</p>	<p>1 Do you agree with that? 2 A. Yes. 3 Q. So if a compression hold is maintained 4 on the neck of a person after he has been rendered 5 unconscious, that would be unreasonable force, 6 correct, by this definition? 7 A. Yes. 8 Q. Okay. Then the next page, if you look 9 at 6-7, "The community expects its peace officers 10 will use reasonable force and peace officers will 11 intervene if reasonable force is exceeded. For 12 the community and officers' protection, the 13 officer must know the laws pertaining to 14 intervention." 15 Do you agree with that? 16 A. Yes. 17 Q. Okay. "Intervention is the act of 18 attempting to prevent or attempting to stop the 19 inappropriate or unlawful behavior of another." 20 Do you agree with that? 21 A. Yes. 22 Q. "If a compression hold is maintained on 23 the neck after a subject has been rendered 24 unconscious, an adjacent officer has a duty to 25 intervene to stop that force being applied";</p>

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<p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. Take a look at 6-8. Fourth Amendment</p> <p>4 Protection.</p> <p>5 "The United States Constitution protects</p> <p>6 an individual from unlawful actions of peace</p> <p>7 officers. The officer who fails to intervene for</p> <p>8 whatever reason is also held accountable by the</p> <p>9 United States Code."</p> <p>10 You agree with that?</p> <p>11 A. Yes.</p> <p>12 Q. And that's how you've been trained?</p> <p>13 A. Yes.</p> <p>14 Q. Take a look at the next section from --</p> <p>15 this is from Learning Domain 33, and it is</p> <p>16 Chapter 4, page 10.</p> <p>17 Do you have that?</p> <p>18 A. Yes.</p> <p>19 Q. All right. It says, "If the carotid</p> <p>20 restraint control hold is not properly applied,</p> <p>21 the risk of injury to the subject increases. The</p> <p>22 following charts illustrate some of the possible</p> <p>23 dangers of an improperly applied hold. Improper</p> <p>24 action. Maintaining compression after subject has</p> <p>25 been rendered unconscious."</p>	<p>Page 94</p> <p>1 CERTIFICATE OF DEPONENT</p> <p>2 PAGE LINE CHANGE REASON</p> <p>3 _____</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 * * * * *</p> <p>14 I, OFFICER MICHAEL TRAN, deponent herein, do hereby certify and declare the within and foregoing transcription to be my deposition in said action; that I have read, corrected, and do hereby affix my signature to said deposition under penalty of perjury.</p> <p>15</p> <p>16</p> <p>17</p> <p>18 OFFICER MICHAEL TRAN, Deponent</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>1 Do you agree that that is a potential</p> <p>2 danger of applying a carotid restraint control</p> <p>3 hold?</p> <p>4 A. Yes.</p> <p>5 Q. It's something that an officer has to be</p> <p>6 very careful about; right?</p> <p>7 A. Yes.</p> <p>8 Q. Next page, 411. Under "Release The</p> <p>9 Hold," do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. "Rationale. Maintaining the hold beyond</p> <p>12 the time subject loses consciousness can lead to</p> <p>13 physical complications for the subject."</p> <p>14 Do you agree with that?</p> <p>15 A. Yes.</p> <p>16 Q. For example, a person can die?</p> <p>17 A. Yes.</p> <p>18 MR. SAYRE: I have nothing further.</p> <p>19 MR. ANDERSON: I have no questions.</p> <p>20 THE VIDEOGRAPHER: Nothing?</p> <p>21 Okay. This concludes today's deposition</p> <p>22 of Michael Tran. The number of media used was</p> <p>23 one. We are off the record at 11:51 a.m.</p> <p>24 (Whereupon, the deposition concluded</p> <p>25 at 11:51 a.m.)</p>	<p>Page 95</p> <p>1 CERTIFICATE OF COURT REPORTER</p> <p>2</p> <p>3 STATE OF NEVADA)</p> <p>4) ss:</p> <p>5 COUNTY OF CLARK)</p> <p>6</p> <p>7 I, Kimberly A. Farkas, Certified Court</p> <p>8 Reporter licensed by the State of Nevada, do</p> <p>9 hereby certify that I reported the deposition of</p> <p>10 Officer Michael Tran, commencing on December 20,</p> <p>11 2017, at 9:57 a.m.</p> <p>12 Prior to being deposed, the witness was duly</p> <p>13 sworn by me to testify to the truth. I thereafter</p> <p>14 transcribed my said stenographic notes, and that</p> <p>15 the transcript is a complete, true, and accurate</p> <p>16 transcription, and that a request was made for a</p> <p>17 review of the transcript.</p> <p>18 I further certify that I am not a relative,</p> <p>19 employee, or independent contractor of counsel,</p> <p>20 nor a person financially interested in the</p> <p>21 proceeding.</p> <p>22 IN WITNESS WHEREOF, I have set my hand in my</p> <p>23 office in the County of Clark, State of Nevada,</p> <p>24 this January 8th, 2018.</p> <p>25</p> <p>26</p> <p style="text-align: right;"><i>Kimberly A. Farkas</i> Kimberly A. Farkas, CCR No. 741</p>